

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

TOMMIE BRANCH,

Plaintiff,

v.

Case No. 3:22-cv-44

KROGER LIMITED PARTNERSHIP I,

Defendant.

NOTICE OF REMOVAL

COMES NOW the defendant, Kroger Limited Partnership I, by counsel, pursuant to 28 U.S.C. sections 1441 and 1446, and file this Notice of Removal to remove this action from the Circuit Court for the County of Albemarle to the United States District Court for the Western District of Virginia, Charlottesville Division. In support thereof, Defendant states as follows:

1. Plaintiff filed suit against the Defendant in the Circuit Court for the County of Albemarle, Virginia on June 27, 2022, seeking \$150,000.00 in compensatory damages. A copy of the Summons, Complaint and Answer are attached hereto pursuant to 28 U.S.C. § 1446. (Exhibits A, B and C, respectively.)

2. Process was served on the Defendant's agent on July 6, 2022.

3. This Court has removal jurisdiction over this matter as there is complete diversity of citizenship between Plaintiff (a resident of Virginia) and Kroger Limited Partnership I (an Ohio entity), as is further specified in the contemporaneously filed disclosures to assure the Court of diversity. Further, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. This Notice is filed within 30 days after the Defendant was served with the suit pursuant to 28 U.S.C. § 1446.

5. Contemporaneous with the filing of this Notice, the Defendant has given notice of the filing of this Notice of Removal to counsel for the plaintiff and has mailed a copy to the Clerk of the Circuit Court for the County of Albemarle.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

7. Plaintiff demanded a trial by jury in his Complaint filed with the Circuit Court for the County of Albemarle.

WHEREFORE, defendant Kroger Limited Partnership I requests that this Court remove this action from the Circuit Court for the County of Albemarle to the United States District Court for the Western District of Virginia, Charlottesville Division.

KROGER LIMITED PARTNERSHIP I

By Counsel

/s/ Jon A. Nichols

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CERTIFICATE

I hereby certify that on the 5th day of August, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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